

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80568**

This is to certify that: **SMITH TETON RANCH LLC**
3260 ASH ST
PALO ALTO, CA 94306

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
22-13160	WR/DECREED	1/18/1905	0.630 cfs	N/A	40.0	1005.6	SOUTH LEIGH CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-13160	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
22-13160	22-13160	0.630 cfs	N/A	40.0	1005.6	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.630 cfs	N/A	40.0	1005.6		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 8th day of January, 2016.


for _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13160
As Modified by Transfer No. 80568

In accordance with the approval of Transfer No. 80568, Water Right No. 22-13160 is now described as follows:

Right Holder: SMITH TETON RANCH LLC
 3260 ASH ST
 PALO ALTO, CA 94306

Priority Date: 1/18/1905

Source: SOUTH LEIGH CREEK **Tributary:** TETON RIVER

BENEFICIAL USE
 IRRIGATION

From 04/15 **To** 10/31

Diversion Rate
 0.630 cfs
 0.630 cfs

LOCATION OF POINT(S) OF DIVERSION

SOUTH LEIGH CREEK L1 (NENWNE) Sec 32 Twp 06N Rge 46E TETON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	25													14.0	27.0	39.0	37.0	117.0
06N	45E	36	39.0		21.0	25.0			7.6	21.0	40.0					39.0			192.6
06N	46E	30									22.0	24.0	32.0	37.0	34.0	26.0	39.0	39.0	253.0
												L 3	L 4						
06N	46E	31	40.0	40.0	38.0	22.0	40.0	38.0	26.0	35.0									279.0
								L 1	L 2										
06N	46E	32		14.0	28.0		32.0	36.0	14.0	15.0						25.0			164.0
				L 1	L 2											L 3			

Right Acre Limit: 40.0
POU Total Acres: 1005.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season.
2. Rights 22-42, 22-160, 22-545, 22-616, and 22-13160 when combined shall not exceed the irrigation of 688.9 acres.
3. Rights 22-312, 22-487C, 22-13016, 22-42, 22-160, 22-545, 22-616, and 22-13160 when combined shall not exceed the irrigation of 736.3 acres.

Transfer No. 80568

WATER RIGHT NO. 22-13160
As Modified by Transfer No. 80568

CONDITIONS OF APPROVAL

4. Rights 22-312, 22-487C, 22-13016, 22-42, 22-160, 22-545, 22-616, 22-13160, 22-13144, 22-13148, 22-130B, 22-481A, 22-482A, 22-483A, 22-2029D, 22-130D, 22-136C, 22-515B, 22-516B, 22-517B, and 22-7609 when combined shall not exceed a total diversion rate of 32.31 cfs and the irrigation of 1005.6 acres.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
8. The quantity of water diverted under this water right shall be from the portion awarded to IDAHO and deducted there from as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).
9. This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.
10. The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 NESENE (L2), 6PM.
The point of diversion shown above is where the conveyance system enters Idaho.
11. Water is delivered through Killpack Pipeline.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.